



Doc Code: AP.PRE.REQ

PTO/SB/33 (07-09)

Approved for use through 07/31/2012. OMB 0651-0031

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## PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

800.0324.U1(US)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

Application Number

10/069,403

Filed

Feb. 26, 2002

on February 9, 2010

Signature

*Jodie Droniak*

First Named Inventor

Haataja, T.

Typed or printed name

Jodie Droniak

Art Unit

3696

Examiner

Poinvil, F.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

☒ attorney or agent of record.

Registration number 37,967

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 \_\_\_\_\_

*Christine W. Beninati*

Signature

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Typed or printed name

203-925-9400

Telephone number

February 9, 2010

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**IN THE U.S. PATENT AND TRADEMARK OFFICE**

In re U.S. Patent Application of:

APPLICANTS: Haataja Timo, et al.

SERIAL NO.: 10/069,403 FILING DATE: 02/26/02

EXAMINER: Poinvil, Frantzy ART UNIT: 3696

ATTORNEY'S DOCKET NO.: now 800.0324.U1 (US)

TITLE: CHARGING FOR PREPAID SUBSCRIBERS IN A  
TELECOMMUNICATION SYSTEM

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

**PRE-APPEAL BRIEF REQUEST FOR REVIEW (ARGUMENT SECTION)**

Sir:

The following is a concise recitation of the clear errors in the Examiner's rejections in this application.

Claims 1-25 are pending. The text of these claims is as set forth in Applicants' Response of June 25, 2009 to the Non-Final Action of March 4, 2009.

In the outstanding Final Office Action of November 9, 2009, the Examiner maintains the rejections set forth in the prior Non-Final Office Action of March 4, 2009 even though, for example, independent claims 1 and 8 have been significantly amended in reply to the afore-referenced Non-Final Office Action. In particular, the Examiner maintains the anticipation rejection of claims 1-3, 9-11, 18-20 and 24-25 based on Walker, and the obviousness rejection of claims 4-8, 12-17 and 21-23 based on Walker.

Applicants traverse these rejections and respectfully assert that, in the outstanding Final Office Action, the Examiner does not appear to have considered all of the subject matter recited in the currently pending claims. For example, according to embodiments of Applicants' claimed invention, the tariff scheme is determined on the basis of the tariff model associated with the subscriber (emphasis added).

More particularly, in the outstanding Final Office Action regarding the anticipation rejection of independent claim 1, the Examiner has not indicated where in the Walker reference the following, which is recited in Applicants' independent claim 1, is disclosed:

“obtaining, in response to detecting, from a database subscriber-specific subscriber information on the home subscriber from a database;  
detecting that the subscriber-specific information comprises an indication of a tariff model to be used with the home subscriber to charge different calls, the indicated tariff model being one of at least two different tariff models maintained in a memory for home subscribers, each tariff model containing a tariff scheme defining how to charge different calls, the indication indicating the tariff model directly or indirectly...”

Applicants respectfully maintain that Walker does not disclose the above features.

Regarding independent claim 8, the Examiner does not explain why this claim, which recites the following features, is unpatentable over Walker:

“at least two different tariff models are maintained in a memory for prepaid subscribers, each tariff model containing a tariff scheme defining how to charge different calls; and

at least two different types of vouchers for making deposits into subscribers prepaid accounts can be used, each of said two types of vouchers being attached to one tariff model against at least two different tariff models so that a first voucher type is attached to a first tariff model and a second voucher type is attached to a second tariff model.”

Applicants respectfully assert that Walker fails to teach or suggest the afore-recited features of claim 8. Similarly, this reference does not teach or suggest any correspondingly recited features set forth in Applicants’ remaining independent claims.

In the outstanding Final Office Action at page 2, the Examiner states that “these different types of calls are charged differently” and “each of the types of the calls has a different tariff scheme.” However, Applicants respectfully point out that according to, for example, Applicants’ independent claim 1, the tariff scheme does not depend on the call type, but the tariff scheme depends on a tariff model associated with a subscriber (Emphasis added).

In addition to the foregoing, Applicants still assert the arguments set forth in the Response of June 25, 2009 to Non-Final Office Action. Thus, the Patent Office’s attention is respectfully directed to this Response and the Patent Office also is requested to reconsider the arguments set forth therein. That is, as noted in

Applicant's Response of June 25, 2009:

Independent claim 1 positively recites, inter alia, the features:

detecting that the subscriber-specific subscriber information comprises an indication of a tariff model to be used with the home subscriber to charge different calls, the indicated tariff model being one of at least two different tariff models maintained in a memory for home subscribers, each tariff model containing a tariff scheme defining how to charge different calls, the indication indicating the tariff model directly or indirectly.

With this said, Applicants respectfully submit that the Walker citations relied upon by the Examiner do not anticipate the pending claims.

Walker teaches that different types of calls may have different prices but the same types of calls are charged in a similar way for each subscriber. As such, Walker fails to disclose the claimed different tariff models having different tariff schemes.

Walker, at col. 4, lines 37-46, teaches that a balance or other card holder information is stored; that the balance of the account may be a monetary value, call time value or units value; and that units value enables different charges for different types of calls made at different times. Walker, however, fails to disclose that a subscriber's subscription information (or balance information) is associated with an indication of a call type (alleged to correspond to the tariff model to be used with the home subscriber to charge different calls).

Furthermore, Walker fails to disclose that a subscriber's subscriber information contains an indication of a specific call type, or an indication of how to calculate the charges. As such Walker fails to disclose the feature of "the subscriber-specific subscriber information comprises an indication of a tariff model to be used with the home subscriber to charge different calls, the indicated tariff model being one of at least two different tariff models maintained in a memory for home subscribers, each tariff model containing a tariff scheme defining how to charge different calls, the indication indicating the tariff model directly or indirectly", as recited in claim 1 for example, as well as any of the other recited features relating to tariff models and tariff schemes.

Also, Walker, at col. 4, lines 47-61, teaches how to update a prepaid account when a subscriber is calling. However, there is no mention in Walker of the update being performed differently for different subscribers. On the contrary, Walker teaches the use of the same procedure.

For at least these reasons, Applicants submit that Walker fails to disclose all the features of Applicants' claim 1. Hence, claim 1 is allowable and withdrawal of the rejection is respectfully requested. Because claims 2-3 depend from claim 1, either directly or indirectly, the rejection of these claims is likewise improper and must be withdrawn.

Claims 9, 18, 19, 24, and 25 recite features that are similar to claim 1. Thus, the arguments presented above relative to claim 1 apply to these claims as well. Claims 10-11 and 20 depend from claims 9 and 19, either directly or indirectly. As such, the rejection of these claims is likewise improper and must be withdrawn.

With respect to for example, claims 4, 6, and 8, the Examiner states that Walker teaches "tariffs may be in time units, monetary values and unit values." The Examiner has at least mischaracterized the Walker reference in alleging this because Walker explicitly teaches that the balance of an account, not a tariff, may be in time units, monetary values and unit values.

Further the Examiner states that "charging or billing one tariff model to a type of voucher would have been left as an agreement between users and the owners of the system of Walker." Applicants request the Examiner to explain how this relates to the claimed invention, in which vouchers are used to increase a balance of an account. In the claimed invention, the tariff model is used when a call is charged, not when a credit card or billing card is used to increase the balance of an account. As such, for at least these reasons, the rejection of these claims is improper and must be withdrawn.

Further, claims 5 and 7 depend from claim 1, either directly or indirectly. Claim 12 depends from claim 9, either directly or indirectly. Claims 13-14, 17, 22 and 23 recite features similar to at least claims 1 and 8. Claims 15-16 and 21 depend from claims 14 and 19. As such, the rejection of these claims is likewise improper and must be withdrawn for at least the reasons presented above.

For at least the foregoing reasons, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections. A Notice of Allowance is earnestly solicited.

Respectfully submitted:

Christine Wilkes Beninati, Feb. 9, 2010

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Feb. 9, 2010  
Date

J. Droniak  
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